

REMARKS

The aforementioned Amendments are made to limit the Claims to the elected subject matter. They do not raise an issue of new matter.

The Examiner stated that Applicants are required, in reply to this action to elect a single invention to which the claims must be restricted:

- I. Claims 1-7 and 12, drawn to a combination comprising an alpha-2-delta ligand and an atypical antipsychotic.
- II. Claims 8-9, drawn to a method for making a combination comprising an alpha-2-delta ligand and an atypical antipsychotic.
- III. Claims 10-11, drawn to a method for the curative, prophylactic or palliative treatment of pain comprising administering a combination comprising an alpha-2-delta ligand and an atypical antipsychotic.

In response to the Examiner's requirement, Applicants elect Group I, without traverse. Accordingly, claims 8-11 are cancelled herein without prejudice to Applicants' right to file one or more continuing applications directed to the subject matter of said Claims.

Additionally, the Examiner stated that this application contains claims directed to more than one species of a generic invention. The species according to the Examiner are as follows:

- 1) an alpha-2-delta ligand;
- 2) an atypical antipsychotic; and
- 3) a pain

The Examiner stated that Applicants are required, in reply to the action, to elect a single species and identify the claims readable on the elected species.

In response to the requirement to elect a species, Applicants elect:

- a. As alpha-2-delta ligand: a compound selected from (3S,4S)-(1-Aminomethyl-3,4-dimethyl-cyclopentyl)-acetic acid, recited on page 6, lines 18 – 19 of the application, and (3S, 5R) – 3- aminomethyl-5-

methyloctanoic acid, recited on page 6, lines 18-19, of the application, and pharmaceutically acceptable salts of either compound;

- b. As atypical antipsychotic: ziprasidone, including all pharmaceutically acceptable salts thereof; and
- c. As type pain: neuropathic pain.

Claims 1, 2, 5, 6, 7 and 12 read on the elected species. Accordingly, Claims 3 and 4 have additionally been cancelled. Claims 2, 5 and 6 have been cancelled since the elements therein have been incorporated into Claim 1. All of the Claims have been amended to be directed solely to the elected subject matter. These amendments including cancellations to the Claims are made without prejudice to Applicants' right to pursue any of the cancelled subject matter in one or more continuing applications.

Support for the elected Species can be found in the originally filed specification, for example on page 6, lines 18-19 and lines 21-22, where the elected alpha-2-delta compounds are recited. Combination with ziprasidone is found, for example, on page 8, lines 29-31, and neuropathic pain is found on pages 21-22.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, the Examiner is invited to telephone the undersigned at the number provided.

No fees other than the fee for the Petition to Revoke filed herewith are believed necessary in connection with this Amendment. But if any other fees are determined necessary in connection with filing this Amendment, such fees may be charged to Deposit Account No. 16-1445.

Respectfully submitted,

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